

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Federal Trade Commission,

Plaintiff,

v.

Tate's Auto Center of Winslow  
Incorporation, et al.,

Defendants.

No. CV-18-08176-PCT-DJH

**ORDER**

The Court is in receipt of the parties' Joint Discovery Dispute (Doc. 98). The FTC's position is that Defendants have failed to produce the following documents/information: (1) Consumer deal jackets identified in the FTC's Seventh and Eighth Supplemental MIDP Disclosures on October 18, 2019; (2) Corporate Defendants' 2018 financial statements; (3) Ms. Tate's updated responses to the FTC's First Set of Interrogatories based on her 2018 tax returns; and (4) sworn responses to several of the FTC's interrogatories that remain unverified. Defendants, however, contend that they will produce updated financial statements for Corporate Defendants and Ms. Tate by close of business on October 30, 2019, and that they will produce all outstanding verifications to interrogatories by November 6, 2019. The Court expects Defendants to meet these deadlines. Furthermore, the Court reminds the parties that pursuant to Rule 26(e) they have a duty to supplement discovery even after discovery closes.

As to the FTC's request for deal jackets for the 200 consumers identified by the FTC on October 18, 2019. Defendants represent that they have agreed to provide these


1 deal jackets; however, it was impossible for them to produce the requested deal jackets by  
2 the fact discovery deadline of October 30, 2018. Defendants do not request an extension  
3 to the discovery deadline and have not provided a date by which they expect to be able to  
4 produce these documents. As the parties' expert disclosure deadline is looming,  
5 Defendants shall produce the identified deal jackets on or before November 13, 2019.

6 Accordingly,

7 **IT IS ORDERED** that Defendants shall produced Corporate Defendants' 2018  
8 financial statements and Ms. Tate's updated responses to the FTC's First Set of  
9 Interrogatories based on her 2018 tax returns by 5:00 pm MST on October 30, 2019.

10 **IT IS FURTHER ORDERED** that Defendants shall produce all outstanding  
11 verifications to interrogatories on or before November 6, 2019, and all identified consumer  
12 deal jackets on or before November 13, 2019.

13 Dated this 30th day of October, 2019.

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17 Honorable Diane J. Humetewa  
18 United States District Judge  
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